

REMARKS

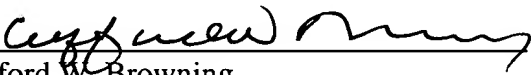
In the final Office Action mailed February 9, 2005, pending claims 68, 77, 80-82, 101 and 102 were rejected under 35 U.S.C. §102(b) as being anticipated by Gahwiler, and claims 69, 73, 74, and 76 were rejected under 35 U.S.C. §103 over a combination of Gahwiler with Kendall et al. Applicant requests entry of the foregoing amendment to claim 68 under Rule 116 and consideration of the following remarks. Applicant believes that the Examiner has misread the Gahwiler reference. Gahwiler does not disclose an injection syringe that relies principally upon compression energy within the syringe to propel the two liquids out of the Gahwiler syringe. Gahwiler clearly teaches that,

“For injection of the first fluid 51 the piston member 10 and the separate piston member 50 are co-jointly displaced in a direction towards the outlet 6 until the front conical face 32 of the separator piston member 30 abuts against the conically-shaped bottom or base region 8 of the cylinder 2.” Col. 4, lines 25-30.

From figures 1-3 cited by the Examiner, it is clear that piston member 10 is only going to be moved only if there is a pressure external to the syringe, such as a thumb, applied to piston 10. The pressure on piston 10 is not brought about by the expansion of compression energy within a compressible substance inside the syringe. In other words, without external pressure on piston 10, such as thumb pressure, piston 10 will not move, as there are not any forces within the syringe, defined generally as cylinder 2 that would propel piston 10 under any set of circumstances taught in Gahwiler.

In short, Applicants believe a fair reading of the Gahwiler reference will make it clear that the piston 10 in the Gahwiler reference is not being moved by any compression energy of a compressed substance within the Gahwiler syringe but is in fact being moved by an external force, such as a thumb. Applicants therefore kindly request the Examiner to enter the foregoing amendments to claim 68 under Rule 116, and to reconsider allowing this case in light of the fact that the Gahwiler reference was apparently misread by the Examiner, and Gahwiler can clearly have no bearing in combination with Kendall to render any other claim of this application obvious under U.S.C. §103.

Respectfully submitted,

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